



## Senate

General Assembly

**File No. 741**

January Session, 2015

Substitute Senate Bill No. 1105

*Senate, April 23, 2015*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING REVISIONS TO THE CRIMINAL JUSTICE STATUTES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 53a-31 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2015*):

4 (a) A period of probation or conditional discharge commences on  
5 the day it is imposed, [except that, where it is preceded by a sentence  
6 of imprisonment with execution suspended after a period of  
7 imprisonment set by the court,] unless the defendant is imprisoned, in  
8 which case it commences on the day the defendant is released from  
9 such imprisonment. Multiple periods, whether imposed at the same or  
10 different times, shall run concurrently.

11 Sec. 2. Section 54-65c of the general statutes is repealed and the  
12 following is substituted in lieu thereof (*Effective October 1, 2015*):

13 A court shall vacate an order forfeiting a bail bond and release the  
14 professional bondsman, as defined in section 29-144, or the surety bail  
15 bond agent and the insurer, as both terms are defined in section 38a-  
16 660, if (1) the principal on the bail bond (A) is detained or incarcerated  
17 (i) in another state, territory or country, or (ii) by a federal agency, or  
18 (B) has been removed by United States Immigration and Customs  
19 Enforcement, and (2) the professional bondsman, the surety bail bond  
20 agent or the insurer provides satisfactory proof of such detention,  
21 incarceration or removal to the court and the state's attorney  
22 prosecuting the case, and (3) (A) the state's attorney prosecuting the  
23 case declines to seek extradition of the principal, or (B) the state's  
24 attorney prosecuting the case decides to seek extradition of the principal  
25 and the professional bondsman, surety bail bond agent or insurer  
26 provides proof to the court that such bondsman, agent or insurer has paid  
27 to the Division of Criminal Justice the costs it will incur in extraditing the  
28 principal to the state.

29 Sec. 3. Section 53a-54c of the general statutes is repealed and the  
30 following is substituted in lieu thereof (*Effective October 1, 2015*):

31 A person is guilty of murder when, acting either alone or with one  
32 or more persons, [he] such person commits or attempts to commit  
33 robbery, home invasion, burglary, kidnapping, sexual assault in the  
34 first degree, aggravated sexual assault in the first degree, sexual  
35 assault in the third degree, sexual assault in the third degree with a  
36 firearm, escape in the first degree, or escape in the second degree and,  
37 in the course of and in furtherance of such crime or of flight therefrom,  
38 [he] such person, or another participant, if any, causes the death of a  
39 person other than one of the participants, except that in any  
40 prosecution under this section, in which the defendant was not the  
41 only participant in the underlying crime, it shall be an affirmative  
42 defense that the defendant: (1) Did not commit the homicidal act or in  
43 any way solicit, request, command, importune, cause or aid the  
44 commission thereof; and (2) was not armed with a deadly weapon, or  
45 any dangerous instrument; and (3) had no reasonable ground to  
46 believe that any other participant was armed with such a weapon or

47 instrument; and (4) had no reasonable ground to believe that any other  
48 participant intended to engage in conduct likely to result in death or  
49 serious physical injury.

50 Sec. 4. Section 53a-60 of the general statutes is repealed and the  
51 following is substituted in lieu thereof (*Effective October 1, 2015*):

52 (a) A person is guilty of assault in the second degree when: (1) With  
53 intent to cause serious physical injury to another person, [he] the actor  
54 causes such injury to such person or to a third person; or (2) with  
55 intent to cause physical injury to another person, [he] the actor causes  
56 such injury to such person or to a third person by means of a deadly  
57 weapon or a dangerous instrument other than by means of the  
58 discharge of a firearm; or (3) [he] the actor recklessly causes serious  
59 physical injury to another person by means of a deadly weapon or a  
60 dangerous instrument; or (4) for a purpose other than lawful medical  
61 or therapeutic treatment, [he] the actor intentionally causes stupor,  
62 unconsciousness or other physical impairment or injury to another  
63 person by administering to such person, without his consent, a drug,  
64 substance or preparation capable of producing the same; or (5) [he] the  
65 actor is a parolee from a correctional institution and with intent to  
66 cause physical injury to an employee or member of the Board of  
67 Pardons and Paroles, he causes physical injury to such employee or  
68 member; or (6) with intent to cause serious physical injury to another  
69 person by rendering such other person unconscious, and without  
70 provocation by such other person, [he] the actor causes such injury to  
71 such other person by striking such other person on the head.

72 (b) Assault in the second degree is a class D felony or, if the offense  
73 resulted in serious physical injury, a class C felony.

74 Sec. 5. Subsection (a) of section 54-251 of the general statutes is  
75 repealed and the following is substituted in lieu thereof (*Effective*  
76 *October 1, 2015*):

77 (a) Any person who has been convicted or found not guilty by  
78 reason of mental disease or defect of a criminal offense against a victim

79 who is a minor or a nonviolent sexual offense, and is released into the  
80 community on or after October 1, 1998, shall, within three days  
81 following such release or, if such person is in the custody of the  
82 Commissioner of Correction, at such time prior to release as the  
83 commissioner shall direct, and whether or not such person's place of  
84 residence is in this state, register such person's name, identifying  
85 factors, criminal history record, residence address and electronic mail  
86 address, instant message address or other similar Internet  
87 communication identifier, if any, with the Commissioner of Emergency  
88 Services and Public Protection, on such forms and in such locations as  
89 the commissioner shall direct, and shall maintain such registration for  
90 ten years from the date of such person's release into the community,  
91 except that any person who has one or more prior convictions of any  
92 such offense or who is convicted of a violation of subdivision (2) of  
93 subsection (a) of section 53a-70 shall maintain such registration for life.  
94 Prior to accepting a plea of guilty or nolo contendere from a person  
95 with respect to a criminal offense against a victim who is a minor or a  
96 nonviolent sexual offense, the court shall (1) inform the person that the  
97 entry of a finding of guilty after acceptance of the plea will subject the  
98 person to the registration requirements of this section, and (2)  
99 determine that the person fully understands the consequences of the  
100 plea. If any person who is subject to registration under this section  
101 changes such person's name, such person shall, without undue delay,  
102 notify the Commissioner of Emergency Services and Public Protection  
103 in writing of the new name. If any person who is subject to registration  
104 under this section changes such person's address, such person shall,  
105 without undue delay, notify the Commissioner of Emergency Services  
106 and Public Protection in writing of the new address and, if the new  
107 address is in another state, such person shall also register with an  
108 appropriate agency in that state, provided that state has a registration  
109 requirement for such offenders. If any person who is subject to  
110 registration under this section establishes or changes an electronic mail  
111 address, instant message address or other similar Internet  
112 communication identifier, such person shall, without undue delay,  
113 notify the Commissioner of Emergency Services and Public Protection

114 in writing of such identifier. If any person who is subject to registration  
115 under this section is employed at, carries on a vocation at or is a  
116 student at a trade or professional institution or institution of higher  
117 learning in this state, such person shall, without undue delay, notify  
118 the Commissioner of Emergency Services and Public Protection of  
119 such status and of any change in such status. If any person who is  
120 subject to registration under this section is employed in another state,  
121 carries on a vocation in another state or is a student in another state,  
122 such person shall, without undue delay, notify the Commissioner of  
123 Emergency Services and Public Protection and shall also register with  
124 an appropriate agency in that state, provided that state has a  
125 registration requirement for such offenders. During such period of  
126 registration, each registrant shall complete and return forms mailed to  
127 such registrant to verify such registrant's residence address and shall  
128 submit to the retaking of a photographic image upon request of the  
129 Commissioner of Emergency Services and Public Protection.

130 Sec. 6. Subsection (b) of section 54-252 of the general statutes is  
131 repealed and the following is substituted in lieu thereof (*Effective*  
132 *October 1, 2015*):

133 (b) Any person who has been subject to the registration  
134 requirements of section 54-102r of the general statutes, revised to  
135 January 1, 1997, as amended by section 1 of public act 97-183, shall, not  
136 later than three working days after October 1, 1998, register under this  
137 section and thereafter comply with the provisions of sections 54-102g  
138 and 54-250 to 54-258a, inclusive, except that any person who was  
139 convicted or found not guilty by reason of mental disease or defect of  
140 an offense that is classified as a criminal offense against a victim who is  
141 a minor under subdivision (2) of section 54-250 and that is subject to a  
142 ten-year period of registration under section 54-251, as amended by  
143 this act, shall maintain such registration for ten years from the date of  
144 such person's release into the community.

145 Sec. 7. Subsection (a) of section 54-254 of the general statutes is  
146 repealed and the following is substituted in lieu thereof (*Effective*

147    *October 1, 2015*):

148        (a) Any person who has been convicted or found not guilty by  
149    reason of mental disease or defect in this state on or after October 1,  
150    1998, of any felony that the court finds was committed for a sexual  
151    purpose, may be required by the court upon release into the  
152    community or, if such person is in the custody of the Commissioner of  
153    Correction, at such time prior to release as the commissioner shall  
154    direct to register such person's name, identifying factors, criminal  
155    history record, residence address and electronic mail address, instant  
156    message address or other similar Internet communication identifier, if  
157    any, with the Commissioner of Emergency Services and Public  
158    Protection, on such forms and in such locations as the commissioner  
159    shall direct, and to maintain such registration for ten years from the  
160    date of such person's release into the community. If the court finds that  
161    a person has committed a felony for a sexual purpose and intends to  
162    require such person to register under this section, prior to accepting a  
163    plea of guilty or nolo contendere from such person with respect to  
164    such felony, the court shall (1) inform the person that the entry of a  
165    finding of guilty after acceptance of the plea will subject the person to  
166    the registration requirements of this section, and (2) determine that the  
167    person fully understands the consequences of the plea. If any person  
168    who is subject to registration under this section changes such person's  
169    name, such person shall, without undue delay, notify the  
170    Commissioner of Emergency Services and Public Protection in writing  
171    of the new name. If any person who is subject to registration under this  
172    section changes such person's address, such person shall, without  
173    undue delay, notify the Commissioner of Emergency Services and  
174    Public Protection in writing of the new address and, if the new address  
175    is in another state, such person shall also register with an appropriate  
176    agency in that state, provided that state has a registration requirement  
177    for such offenders. If any person who is subject to registration under  
178    this section establishes or changes an electronic mail address, instant  
179    message address or other similar Internet communication identifier,  
180    such person shall, without undue delay, notify the Commissioner of  
181    Emergency Services and Public Protection in writing of such identifier.

182 If any person who is subject to registration under this section is  
183 employed at, carries on a vocation at or is a student at a trade or  
184 professional institution or institution of higher learning in this state,  
185 such person shall, without undue delay, notify the Commissioner of  
186 Emergency Services and Public Protection of such status and of any  
187 change in such status. If any person who is subject to registration  
188 under this section is employed in another state, carries on a vocation in  
189 another state or is a student in another state, such person shall, without  
190 undue delay, notify the Commissioner of Emergency Services and  
191 Public Protection and shall also register with an appropriate agency in  
192 that state, provided that state has a registration requirement for such  
193 offenders. During such period of registration, each registrant shall  
194 complete and return forms mailed to such registrant to verify such  
195 registrant's residence address and shall submit to the retaking of a  
196 photographic image upon request of the Commissioner of Emergency  
197 Services and Public Protection.

198 Sec. 8. Section 53a-110a of the general statutes is repealed and the  
199 following is substituted in lieu thereof (*Effective October 1, 2015*):

200 (a) A person is guilty of simple trespass when, knowing that [he]  
201 such person is not licensed or privileged to do so, [he] such person  
202 enters or remains in or on any premises without intent to harm any  
203 property.

204 (b) Simple trespass is an infraction.

205 Sec. 9. Section 53a-151 of the general statutes is repealed and the  
206 following is substituted in lieu thereof (*Effective October 1, 2015*):

207 (a) A person is guilty of tampering with a witness if, believing that  
208 an investigation or official proceeding is pending or about to be  
209 instituted, [he] such person induces or attempts to induce a witness to  
210 testify or inform falsely, withhold testimony, information, a document  
211 or a thing, elude legal process summoning [him] such person to testify  
212 or provide evidence, or absent himself or herself from any official  
213 proceeding or investigation to which such person has been summoned.

214 (b) Tampering with a witness is a class C felony.

215 Sec. 10. Section 53a-151a of the general statutes is repealed and the  
216 following is substituted in lieu thereof (*Effective October 1, 2015*):

217 (a) A person is guilty of intimidating a witness when, believing that  
218 an investigation or official proceeding is pending or about to be  
219 instituted, such person uses, attempts to use or threatens the use of  
220 physical force against a witness or another person with intent to (1)  
221 influence, delay or prevent the testimony of the witness in the official  
222 proceeding, or the cooperation of the witness in the investigation, or  
223 (2) induce the witness to testify or inform falsely, withhold testimony,  
224 information, a document or a thing, elude legal process summoning  
225 the witness to testify or provide evidence, or absent himself or herself  
226 from the official proceeding or investigation to which such person has  
227 been summoned.

228 (b) Intimidating a witness is a class C felony.

229 Sec. 11. Section 53a-155 of the general statutes is repealed and the  
230 following is substituted in lieu thereof (*Effective October 1, 2015*):

231 (a) A person is guilty of tampering with or fabricating physical  
232 evidence if, believing that an investigation or official proceeding is  
233 pending, or about to be instituted, [he] such person: (1) Alters,  
234 destroys, conceals or removes any record, document or thing with  
235 purpose to impair its verity or availability in such investigation or  
236 proceeding; or (2) makes, presents or uses any record, document or  
237 thing knowing it to be false and with purpose to mislead a public  
238 servant who is or may be engaged in such investigation or official  
239 proceeding.

240 (b) Tampering with or fabricating physical evidence is a class D  
241 felony.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>October 1, 2015</i>	53a-31(a)
Sec. 2	<i>October 1, 2015</i>	54-65c
Sec. 3	<i>October 1, 2015</i>	53a-54c
Sec. 4	<i>October 1, 2015</i>	53a-60
Sec. 5	<i>October 1, 2015</i>	54-251(a)
Sec. 6	<i>October 1, 2015</i>	54-252(b)
Sec. 7	<i>October 1, 2015</i>	54-254(a)
Sec. 8	<i>October 1, 2015</i>	53a-110a
Sec. 9	<i>October 1, 2015</i>	53a-151
Sec. 10	<i>October 1, 2015</i>	53a-151a
Sec. 11	<i>October 1, 2015</i>	53a-155

***Statement of Legislative Commissioners:***

The title was revised to more accurately reflect the contents of the bill.

***JUD***      *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 16 \$</b>	<b>FY 17 \$</b>
Criminal Justice, Div.	GF - Savings	190,000	190,000
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

### **Explanation**

Section 1 of the bill requires a person's probation term to begin after serving any prison sentence. This results in a cost for the occasions when a person is serving a prison sentence and probation term concurrently. On average it costs the Judicial Department approximately \$6,050 (including fringe benefits) to supervise a person in the community.

Section 2 makes a bondsman, surety bail bond agent, or insurer responsible under certain circumstances for paying the costs of returning a person to the state. These costs are currently paid by the Division of Criminal Justice and the bill is anticipated to result in savings of approximately \$190,000 annually.

Section 3 adds home invasion to the crime of felony murder, punishable by 25 to 60 years in prison or a fine of up to \$20,000, or both. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for probation and supervision in the community or incarceration would result. On average, it costs the agency \$6,050 (including benefits) to supervise an inmate in the

community as opposed to \$50,690 (including benefits) to incarcerate an offender. In FY 14, there were 26 charges of felony murder under the current statute, of which seven were found guilty or resulted in a plea bargain.

Section 4 increases the penalty for a 2<sup>nd</sup> degree assault when it results in serious physical injury, making it a class C felony instead of a class D felony. In FY 14 there were 1,377 charges of 2<sup>nd</sup> degree assault, 664 resulted in convictions or plea bargains. It is unclear how many of those resulted in serious physical injury. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for probation and supervision in the community or incarceration would result. On average, it costs the agency \$6,050 (including benefits) to supervise an inmate in the community as opposed to \$50,690 (including benefits) to incarcerate an offender.

Sections 5-7 make changes to the sex offender registration period and do not result in a fiscal impact.

Section 8 expands the crime of simple trespass, eliminating the action as an act of criminal trespass. Simple trespass is an infraction and carries a fine of between \$100 to \$300.

Sections 9-11 expands the scope of tampering with or intimidating a witness and tampering with evidence, which are class C felonies. In FY 14 there were 305 charges under these crimes, 76 which resulted in convictions. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for probation and supervision in the community or incarceration would result. On average, it costs the agency \$6,050 (including benefits) to supervise an inmate in the community as opposed to \$50,690 (including benefits) to incarcerate an offender.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: *Department of Correction Summary of Offenders by Controlling Offense, as of 1/1/2015*  
*Judicial Department Offenses and Revenue Database*

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**OLR Bill Analysis****SB 1105*****AN ACT CONCERNING REVISIONS TO THE CRIMINAL JUSTICE STATUTES.*****SUMMARY:**

This bill makes a number of changes to criminal laws. Among other things, it:

1. requires a person's probation term to begin after he or she serves any prison sentence;
2. requires a court to vacate a bond forfeiture order and release a professional bondsman or surety bail bond agent and insurer under certain circumstances when one of them pays the costs to extradite the subject of the bond from another jurisdiction;
3. expands the crime of felony murder;
4. increases the penalty for 2<sup>nd</sup> degree assault, from a class D felony to a class C felony, when serious physical injury results;
5. specifies that the 10-year registration period required for certain sex offenders begins when the offender is released into the community;
6. expands the infraction of simple trespass; and
7. expands the crimes of tampering with or intimidating a witness and tampering with evidence to cover activities while an investigation, in addition to an official proceeding, is pending or anticipated.

EFFECTIVE DATE: October 1, 2015

**§ 1 — SERVING PROBATION TERMS**

When a person is sentenced to a period of probation or conditional discharge to be served after a prison sentence, the law requires the probation or conditional discharge period to begin when the person is released from prison. Under case law, the court can only delay the start of a probation or conditional discharge term when a person is in prison under a sentence for the same crime, and it cannot delay the probation or conditional discharge period if the person is in prison due to a sentence on a different conviction (*State v. Moore*, 85 Conn.App. 7 (2004)).

The bill requires any probation or conditional discharge term to begin when the defendant is released from prison, regardless of when the prison sentence is imposed.

**§ 2 — BONDS AND EXTRADITION**

By law, the court must vacate a bond forfeiture order and release a professional bondsman or surety bail bond agent and insurer who posted a bond for the accused when the (1) bondsman, agent, or insurer provides proof that the accused is held in another state, territory, or country, or by a federal agency, or is removed by federal Immigration and Customs Enforcement and (2) prosecutor does not seek to extradite the accused.

If the prosecutor seeks extradition under the circumstances described above, the bill vacates a bond forfeiture order and releases the bondsman or agent and insurer if the bondsman, agent, or insurer proves to the court that one of them paid the Division of Criminal Justice's expected extradition costs.

**§ 3 — FELONY MURDER**

The bill expands the crime of felony murder to include when a person commits or attempts to commit home invasion and, during or in furtherance of the crime, or while fleeing the crime, the person or any other participant in the crime causes the death of someone not participating in the crime.

By law, felony murder includes causing a death as described above related to the crime of robbery, burglary, kidnapping, 1<sup>st</sup> or 3<sup>rd</sup> degree sexual assault, 1<sup>st</sup> degree aggravated sexual assault, 3<sup>rd</sup> degree sexual assault with a firearm, or 1<sup>st</sup> and 2<sup>nd</sup> degree escape.

By law, felony murder is punishable by 25 to 60 years in prison, a fine of up to \$20,000, or both.

#### **§ 4 — 2<sup>ND</sup> DEGREE ASSAULT**

The bill increases the penalty, from a class D felony to a class C felony, when a 2<sup>nd</sup> degree assault results in serious physical injury. By law, a class D felony is punishable by up to five years in prison, a fine of up to \$5,000, or both. A class C felony is punishable by up to 10 years in prison, a fine of up to \$10,000, or both. By law, a “serious physical injury” is one that creates a substantial risk of death or causes serious disfigurement, impairment of health, or loss or impairment of an organ’s function (CGS § 53a-3(4)).

By law, a person commits 2<sup>nd</sup> degree assault when he or she does any of the following to someone:

1. intentionally causes serious physical injury;
2. intentionally causes physical injury by using a deadly weapon or dangerous instrument other than a firearm;
3. recklessly causes serious physical injury by using a deadly weapon or dangerous instrument;
4. for a purpose other than lawful medical or therapeutic treatment, intentionally causes stupor, unconsciousness, or other physical impairment or injury by administering, without the victim's consent, a drug, substance, or preparation capable of producing the same;
5. while on parole, intentionally causes physical injury to a Board of Pardons and Paroles employee or member; or

6. without provocation, strikes a person in the head intentionally causing serious physical injury and rendering him or her unconscious.

### **§ 5-7 — SEX OFFENDER REGISTRATION PERIOD**

The bill specifies that the 10-year registration period required for certain sex offenders begins when the offender is released into the community. By law, offenders convicted of 4<sup>th</sup> degree sexual assault, voyeurism, or crimes designated as sexual offenses against a minor must register for 10 years. The court may require an offender convicted of a felony committed for a sexual purpose to register for 10 years.

By law, a person convicted of a violent crime or a subsequent conviction of 4<sup>th</sup> degree sexual assault, voyeurism, or a sexual offense against a minor must register for life.

### **§ 8 — TRESPASS**

By law, a person commits simple trespass by entering any premises he or she is not licensed or privileged to enter, without intent to harm the property. The bill expands this infraction to include when a person remains in or on the premises.

### **§§ 9-11 — TAMPERING WITH OR INTIMIDATING A WITNESS AND TAMPERING WITH EVIDENCE**

The bill expands the scope of these crimes to cover conduct that occurs when a person believes an investigation is pending or about to begin. By law, each of these crimes covers conduct when a person believes an official proceeding is pending or about to begin. The Connecticut Supreme Court ruled that the evidence tampering crime did not cover situations where a person believes that only an investigation but not an official proceeding is likely (*State v. Jordan*, 314 Conn. 354 (2014)).

The bill also makes other changes to these crimes.

#### ***Tampering With a Witness***



By law, a person tampers with a witness when he or she:

1. believes an official proceeding is pending or about to begin and
2. induces or attempts to induce a witness to testify falsely, withhold testimony, elude legal process summoning the witness, or absent himself or herself from an official proceeding.

The bill expands this crime in a number of ways. It applies to tampering when an investigation is pending or about to begin, in addition to when an official proceeding is pending or about to begin. It also expands the types of tampering involved to include inducing the witness to inform falsely; withhold information, a document, or a thing; and elude legal process requiring the witness to produce evidence.

By law, this crime is a class C felony.

### ***Intimidating a Witness***

By law, a person intimidates a witness when he or she:

1. believes an official proceeding is pending or about to begin;
2. uses, attempts to use, or threatens to use physical force against the witness or another person; and
3. intends to influence, delay, or prevent the witness' testimony or induce the witness to testify falsely, withhold testimony, elude legal process summoning the witness, or absent himself or herself from an official proceeding

The bill expands this crime in a number of ways. It applies to intimidation when an investigation is pending or about to begin, in addition to when an official proceeding is pending or about to begin.

It also expands the types of intimidation involved to include conduct to influence, delay, or prevent the witness' cooperation in the investigation and inducing the witness to inform falsely; withhold

information, a document, or a thing; and elude legal process requiring the witness to produce evidence.

By law, this crime is a class C felony.

***Tampering With or Fabricating Evidence***

By law, a person tampers with or fabricates evidence when he or she:

1. believes an official proceeding is pending or about to begin and
2. (a) alters, destroys, conceals, or removes a record, document, or thing in order to impair its verity or availability in a proceeding or (b) makes, presents, or uses a record, document, or thing knowing it is false in order to mislead a public servant who is or may be engaged in the official proceeding.

The bill expands this crime to cover actions when an investigation is pending or about to begin.

By law, this crime is a class D felony.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 43 Nay 0 (04/06/2015)